

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES COURTS
SOUTHERN DISTRICT OF TEXAS
FILED
JAN 24 2014
David J. Bradley, Clerk of Court

Cheri LaBlanche)	
Plaintiff,)	
Vs.)	
National Board of Medical Examiners - (NBME))	Civil Action No.4:13-CV-00204
Federation of State Medical Boards - (FSMB))	
Educational Commission for Foreign Medical)	
Graduates - (ECFMG))	
Jointly and Severally, - Defendants,)	

PLAINTIFF'S AMENDED ORIGINAL PETITION FOR INJUNCTIVE RELIEF OF THE
INJURY IMPAIRMENT [COMPUTER VISION SYNDROME – CVS]; SOURCED AND
CAUSED BY DEFENDANTS' COMPUTER BASE MEDICAL LICENSURE EXAMS

I. JURY DEMAND

Plaintiff respectfully demands and maintains her Right to a Jury Trial in this suit at
Law & Equity; on ALL issues including Dismissals.

II. JURISDICTION

This Court has **Diversity Jurisdiction**; plaintiffs are citizens of a State different from the Defendant, who is a citizen or subject of a different state; and the aggregated amount in controversy exceeds \$100,000.00 exclusive of interest and costs. See 28 U.S.C. § 1332(a)(1).

III. INJURY IMPAIRMENT [COMPUTER VISION SYNDROME – CVS];
SOURCED & CAUSED BY DEFENDANTS' COMPUTER EXAMS

In 2004 and 2006 Plaintiff failed Defendants' **"5 hour - COMPUTER-BASE TESTING"** licensure examinations. Plaintiff's exam failures were wholly attributed to CVS. On 8/30/2013 Plaintiff's CVS was confirmed and diagnosed; CVS is a recognized legal, medical, and physical **INJURY / IMPAIRMENT / IMPEDIMENT** by the American Ophthalmology Association (AOA); and by the U.S. Center for Disease Control (CDC). See exhibits A & B and please note the following:

1. The Source & Cause of Plaintiff's CVS Impairment is not with Plaintiff, but the Source & Cause of the CVS impairment is with Defendant's Computer Base Testing.
2. Note that Plaintiff's sworn diagnosed vision is **UNREMARKABLE & NORMAL 20/20**; and that glasses were prescribed **ONLY** for computer usage.
3. Plaintiff complied with Dr. Vu Nguyen's diagnosed prescribed tasks, in the attempt to relieve and / or reduce the associated symptoms of CVS; but symptoms were NOT REDUCED or RELIEVED and did PERSIST!



TODAY'S VISION

THE ONE TO SEE™

August 30, 2013

To Whom It May Concern:

I had the pleasure of seeing Ms. Cheri LaBlanche for a comprehensive eye exam on August 18, 2013.

Ms. LaBlanche's entering visual concerns were computer eyestrain and blurred near vision. She also reported difficulty focusing on the computer with subsequent headaches after 30 minutes of computer usage. Ocular and medical histories were unremarkable, with the exception of seasonal allergies.

Her manifest refraction was OD: +0.75-0.50x030 (20/20) and OS: +1.00-1.00x145 (20/20). Blood pressure was slightly elevated at 148/94 mmHg. Otherwise, ocular health was unremarkable.

I educated Ms. LaBlanche on her current condition and informed her that the computer eyestrain was a result of her need for prescription eyeglasses. I recommended that she add an anti-glare coating to her lenses to help reduce incoming glare and halos. She was told to take frequent breaks every 20 minutes by looking away from her monitor and performing blinking exercises to reduce dry eye. In addition, I told her to have her monitor at or below eyelevel (10-15 degrees) at a distance of 20-24" away from her eyes.

In summary, Ms. LaBlanche presented with symptoms consistent with computer vision syndrome. She was advised to perform the above tasks to relieve and/or reduce her associated symptoms on the computer.

If we can be of any further assistance, please feel free to contact me.

Sincerely,

Dr. Vu Nguyen

Optometrist, Glaucoma Specialist

drnguyen@todaysvision.com

State of Texas
Harris County

The above Signee appeared before me stating that this information and comprehensive diagnosis is true and accurate.

SIGNED on this 10th day of January 2014

PUBLIC NOTARY

CLARENCE BEASLEY
My Commission Expires
April 29, 2014

Exhibit A

ADVANCE FOR NPs PAs

Computer Vision Syndrome

Widespread computer use has created a new occupational health disorder called computer vision syndrome.

A Growing Occupational Health Problem

By Michele Chamberland Graney, NP

More than 175 million U.S. residents now use computers in the workplace.¹ This widespread use has created a new occupational health disorder called computer vision syndrome.

The American Optometric Association (AOA) has defined computer vision syndrome as eye or vision problems associated with "near work" performed during use of a computer.¹ Another definition for computer vision syndrome, developed by the National Institute for Occupational Safety and Health (NIOSH), adds that prolonged computer use is a key component of computer vision syndrome.²

Prevalence and Severity

Using a computer for more than 2 hours per day can cause symptoms of computer vision syndrome. These symptoms occur in approximately 75% to 90% of computer users.¹ In comparison, only 22% of computer workers report musculoskeletal disorders.¹ The AOA estimates that 12 million visits to eye doctors each year are a result of computer-related problems. This translates to 1 of every 5 patients who seek eye examinations.² Some optometrists have referred to computer vision syndrome as a possible occupational epidemic of the 21st century.³



Signs and Symptoms

The symptoms of computer vision syndrome can be divided into four main categories: visual, ocular, general and musculoskeletal. The visual symptoms of computer vision syndrome include inability to maintain near focus, blurred or double vision, changes in color perception, flickering sensations, and glare.⁴

The most common complaints associated with computer vision syndrome are strained or tired eyes, redness, dry eyes, excessive tears or blinking,

Exhibit B